



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 11/01/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGOVAN
Crl.OP(MD)No.19474 of 2021

WEB COPY

1.Gandhi Selvam
2.Sabitha
3.Loganathan
4.Govindaraj
5.Ganesan

: Petitioners 1 to 5/Accused rank not known

Vs.

State represented by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.942 of 2021)

: Respondent/Complainant

Sugitha : Intervene Petitioner/Defacto Complainant

For Petitioners : Mr.V.Ayyadurai, Advocate
For Respondent : Mr.M.VAIKKAM KARUNANITHI,
Government Advocate(Criminal side)
For Intervener : Mr.K.Arunraj

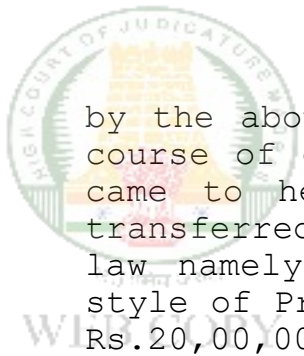
PETITION FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.942 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners apprehending arrest at the hands of the respondent police for the alleged offence under sections 294(b), 354(b), 376(2)(F), 406, 420 and 506(i) IPC, in Crime No.942 of 2021, seek anticipatory bail.

2.The case of the prosecution in brief:- The de-facto complainant, who is the intervener herein is running a shop called 'Preethi Home Appliances' in the building owned by one Ganesan. In 2009, the de-facto complainant married one Gandhi Selvan in Palani. This was brought to the notice of her husband namely Selvan. On coming to know about, the said Selvan deserved the de-facto complainant. Later he started living with the above said Gandhi Selvam. He is also helping their business. Due to the Corona, she happened to stay in her house. Taking advantage of the same, the said Gandhi started running a business on 06/10/2014. When he visited the shop, she was criminally intimidated and abused and assaulted by all the accused persons. Based on the complaint given



by the above said Mahalakshmi, enquiry was undertaken. During the course of enquiry, there was a compromise between them. Later, it came to her notice that by forged her signature, the documents transferred the ownership of the shop in the name of his brother in law namely Loganathan. Now he is running a shop in the name and style of Preethi Home Appliances. They also misappropriated a sum of Rs.20,00,000/- invested by the de-facto complainant. The original document was also taken by the above said Gandhi. On the basis of the complaint given by the de-facto complainant, the above said complaint has been registered for the offence under stated above.

3. Seeking anticipatory bail, the petitioners filed this petition, when the case was under the enquiry stage and later after registration of the FIR, this petition has been amended.

4. Now the case of the petitioners is that A1 is working as police constable in Tamil Nadu Civil Supplies Department and A2 is his wife. A3 is his brother in law. A4 is his relative. A5 is the owner of the Complex. The de-facto complainant borrowed a sum of Rs.4,00,000/- from the father of A1 namely Subbaih. When the money was demanded back, trouble arose between them. Based upon the above said issue only, this false case has been lodged. On 24/10/2021, the de-facto complainant along with other persons visited the shop and assaulted one employee called ' Mahalakshmi'.

5. The intervener, who is the de-facto complainant has filed intervening petition and she reiterated the very same things, as mentioned in the complaint.

6. Reading of the complaint as well as the defence of the petitioners, it is seen that there is a continuous trouble between the de-facto complainant and the petitioners for running the shop. Whether A1 is having affairs with the de-facto complainant, is a matter for investigation. The document that has been produced by the petitioners shows that there was a rental agreement between the 3rd petitioner and the 5th petitioner herein and GST registration certificate is also standing in the name of the 3rd petitioner. But however the intervener has produced the document showing the cancellation of rental agreement and subsequent rental agreement between the 3rd accused. So these are the disputed documents.

7. As mentioned above, A1 alleged to have transferred the ownership of the shop in the name of A3 and started running business. The de-facto complainant allowed the owner of the concerned shop. How it was transferred in the name of A3 is a matter for investigation. The cancellation of the lease agreement between A5 and the de-facto complainant has also been enclosed. But we find that the name of the concern, that was run by the de-facto complainant, is called as Preethi Furniture Mart. But whereas in the GST, we find that the name recorded as Preethi Home Appliances. Whether these concerns are one and the same is the matter for investigation. Now A3 entered into a rental agreement with A5 on 16/07/2021 to run a business called Preethi Furniture and Electronics and the termination of lease agreement was signed on 20/07/2021 and within 3 days, it appears that the above said



agreement was entered into between A3 and A5, wherein A1 has signed as a witnesses. Whether this is a forged document or not is also a matter for investigation. Whether the signature of the de-facto complainant has been forged by the petitioners is a matter for investigation.

8.Considering the above facts and circumstances of this case, this court is inclined **to grant anticipatory bail to the petitioners** with certain conditions.

9.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Kulithalai and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
11/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KULITHALAI.
 - 2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR.
 - 3 THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION, KARUR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. AYYADURAI.V. Advocate SR.No.210

ORDER IN
CRL OP(MD) No.19474 of 2021
Date :11/01/2022

RS/PN/SAR.2(19.01.2022) 3P-6C

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